

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSE ELMER FLORES et al.,

Plaintiffs,

-v-

BORO CONCRETE CORP. et al.,

Defendants.  
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21-CV-5006 (JMF)

ORDER OF DISMISSAL

JESSE M. FURMAN, United States District Judge:


On December 9, 2022, the Court entered default judgment in Plaintiffs' favor as to liability, but withheld judgment on damages and fees pending Plaintiffs' submissions of documentary evidence to support their request. *See* ECF No. 85, at 10. Plaintiffs' counsel then submitted affidavits on behalf of all Plaintiffs except for Jose Serrano Guzman, explaining that they had been unable to reach him "despite . . . numerous efforts." ECF No. 88.

The Court granted judgment on damages as to all other Plaintiffs and ordered Guzman to "show good cause in writing," by January 24, 2023, "why his claims should not be deemed abandoned." ECF No. 89, at 2. "Failure to do so," the Court warned, "w[ould] result in his claims being dismissed pursuant to Rule 41 of the Federal Rules of Civil Procedure without further notice." *Id.* That deadline passed without a word from Guzman.

Accordingly, Guzman's claims are deemed abandoned and thereby DISMISSED without prejudice for failure to prosecute. The Clerk of Court is directed to enter judgment as to Jose Serrano Guzman in accordance with this Order and the Order at ECF No. 85 and to close the case.

SO ORDERED.

Dated: January 30, 2023  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge